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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/675,503

09/30/2003

Mark E. Peters

RSW920030081US1 (101)

6041

46320

7590

04/30/2008

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BOCA RATON, FL 33487

EXAMINER

FIELDS, BENJAMIN S

ART UNIT

PAPER NUMBER

3692

MAIL DATE

DELIVERY MODE

04/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,503	Applicant(s) PETERS ET AL.	
	Examiner BENJAMIN S. FIELDS	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 8 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. Upon further review of the arguments provided by the applicant in the Appeal Brief filed 8 April 2008, the FINAL Office action mailed 8 January 2008 has been withdrawn. The prosecution of this application is hereby reopened.
2. The following is a **NON-FINAL** Office Action in response to the communication received on 8 April 2008. Claims 1-12 are now pending in this application.

/Kambiz Abdi/

Supervisory Patent Examiner, Art Unit 3692

Claim Objections

3. Claims 8 and 12 are objected to because of the following informality:

Referring to Claim 8: Claim 8 has a spelling error at "... wherein said routing step comprising routing ..." The word comprising should be corrected to read comprises.

Referring to Claim 12: Claim 12 has a spelling error at "... wherein said routing step comprising routing ..." The word comprising should be corrected to read comprises.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (US PG Pub. No. 2002/0032616), [hereinafter Suzuki] in view of Steed et al. (US PG Pub. No. 2002/0107755), [hereinafter Steed].

Referring to Claim 1: Suzuki discusses a mobile commerce system comprising: a plurality of mobile server wallets each wallet having an association with a corresponding subscriber in a wireless service provider network (Suzuki: Abstract; Figures 3-4, 6-7; Page 1, Paragraphs 0002, 0006, 0008, 0011-0012, 0014; Page 2, Paragraphs 0024, 0027; 0030; Page 3, Paragraphs 0031-0038; Page 4, Paragraph 0049; See Claims//Suzuki teaches a system and method which facilitate the transactions between multiple mobile server wallet's//); [a relay server [proxy server] disposed in said wireless service provider network (Suzuki: Figures 2-3; Page 2, Paragraph 0017; Page 3, Paragraph 0048//Suzuki discloses a system which possesses a relay server [which operates as a content proxy server//)]; and a filter plug-in coupled to said proxy server and configured to intercept selected payment messages flowing through the proxy server and to route said payment messages to selected ones of said mobile server wallets (Suzuki: Figures 3-7; Page 1, Paragraph 0009; Page 3, Paragraphs 0031-0038; Page 4, Paragraphs 0049-0051//Suzuki discusses plug-in

software included in order to route messages regarding payment transactions within the system//).

Suzuki, however, does not expressly show a proxy server disposed in said wireless service provider network.

Steed, in a similar environment, discusses a proxy server disposed [with] in [a] said wireless service provider network (Steed: Abstract; Page 1, Paragraph 0003-Page 2, Paragraph 0014).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the method of Suzuki for a relay server method and payment system with the disclosure of Steed for a server based electronic wallet system by including a proxy server for the purpose of automatically completing/filling-in forms relating to purchasing, etc. on behalf of a customer (Steed: Page 1, Paragraphs 0003-0013) for the benefit of speeding up the process as well as prevention of input errors.

Referring to Claim 2: Suzuki teaches a mobile commerce system further comprising a plurality of profiles communicatively linked to said filter plug-in, each of said profiles specifying a merchant configured to engage in mobile commerce transactions through said wireless service provider network (Suzuki: Figures 3-7; Page 2, Paragraph 0030), said filter plug-in having a further configuration for routing said payment messages to said selected ones of said mobile server wallets when a source of said payment messages matches a merchant identity specified in at least one of said profiles (Suzuki: Figures 2-7; Page 2, Paragraph 0030-Page 3, Paragraph 0038; Page 3, Paragraph 0048-Page 4, Paragraph 0049).

Furthermore, the Examiner notes that it is old and well known in the art [of wireless/mobile commerce, etc.] to preferably create a system that attaches a profile which would correspond to each transaction of a filter plug-in in order to monitor the transactional history of exchanges which occur via the system.

Referring to Claim 3: Suzuki discloses a mobile commerce system wherein individual mobile server wallets are disposed in at least one of an Internet service provider server, said wireless service provider network server, a merchant server, a financial institution server and a portal server (Suzuki: Page 3, Paragraph 0031-Page 4, Paragraph 0053).

Referring to Claim 4: Suzuki shows a mobile commerce system wherein at least one of said profiles further comprises a specification of a markup language able to be processed in said filter plug-in (Suzuki: Page 4, Paragraphs 0049-0057).

Referring to Claim 5: Suzuki discusses a method for processing mobile commerce transactions in a wireless service provider network, the method comprising the steps of: filtering payment messages flowing between merchants and subscribers to the wireless service provider network to identify specific payment messages associated with specific subscribers in the wireless service provider network; and routing filtered ones of said payment messages to specified mobile server wallets associated with said specific subscribers (Suzuki: Page 3, Paragraph 0031-Page 5, Paragraph 0065).

Referring to Claim 6: Suzuki teaches a method further comprising the steps of: consulting filters which specify specific ones of said merchants (Suzuki: Figures 3-7; Page 1, Paragraph 0009; Page 3, Paragraphs 0031-0038; Page 4, Paragraphs 0049-

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0051//Suzuki discusses plug-in software included in order to route messages regarding payment transactions within the system//); and intervening in purchase transactions originating in said merchants (Suzuki: Page 3, Paragraphs 0031-0038; Page 3, Paragraph 0048-Page 5, Paragraph 0071).

Suzuki, however, does not expressly discuss a method comprising the step of monitoring message traffic flowing from said merchants.

The Examiner notes that it is old and well known in the art to preferably include a means to monitor message traffic/history within a system as taught by Suzuki in order to better utilize network resources and gain better throughput.

Referring to Claim 7: The Examiner notes the routing within a mobile commerce system as shown in Suzuki to be old and well known in the art. Subscribers, whom are affiliated within a network typically, receive network access/privileges whether or not they are inside or outside of the network; at times, other neighboring networks will allow access/borrowing of its resources (roaming, etc.).

Referring to Claim 8: Suzuki discloses a method wherein said routing step comprising routing filtered ones of said payment messages to specified mobile server wallets associated with said specific subscribers and selected by said specific subscribers (Suzuki: Figure 3; Page 2, Paragraph 0024; Page 3, Paragraph 0031-Page 5, Paragraph 0067).

Referring to Claim 9: Claim 9 parallels the limitations of Claims 1 and 5. As such, Claim 9 is rejected under the same basis as are Claims 1 and 5 as mentioned supra.

Referring to Claim 10: Claim 10 reflects the limitations of Claim 6. As such, Claim 10 is rejected under the same basis as is Claim 6 as mentioned supra.

Referring to Claim 11: Claim 11 parallels the limitations of Claim 7. As such, Claim 11 is rejected under the same basis as is Claim 7 as mentioned supra.

Referring to Claim 12: Claim 12 reflects the limitations of Claim 8. As such, Claim 12 is rejected under the same basis as is Claim 8 as mentioned supra.

Examiner Note

6. **The Examiner has pointed out particular reference(s) contained in the prior art of** record within the body of this action for convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. **Applicant**, in preparing the response, should **fully consider the entire reference** as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schutzer (US Pat. No. 6,873,974) teaches a system and method for use of distributed electronic wallets.

Any inquiry concerning this communication should be directed to BENJAMIN S. FIELDS at telephone number 571.272.9734. The examiner can normally be reached MONDAY THRU FRI between the hours of 9AM to 7PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KAMBIZ ABDI can be reached at 571.272.6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin S. Fields

24 April 2008

/Kambiz Abdi/

Supervisory Patent Examiner, Art Unit 3692